

15866 U.S.P.
032604

(DO NOT USE FOR CIPs)

Examiner: R. P. Swartz

Atty. Dkt.	0308988	Lin
	New C-M	Client Ref

This Appln. Filed: March 26, 2004

17510 U.S. PTO
10/810020



092604

Date: March 26, 2004
(Parent Matter No. 81476-0306897)

To effect the above-requested filing today:

☒ Abstract

☒ Specification and claims (76 pages) (**must be attached**)

☒ Drawings (**must be attached if originally filed**): 6 sheet(s)/set: ☒ 1 set informal;
☒ Formal of size ☐ A4 ☒ 11"

(2) ☐ NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

1.	Mark Pimentel	2.	
3.		4.	
5.		6.	
7.		8.	

1. <u>Henry C. Lin</u>	2. _____
3. _____	4. _____
5. _____	6. _____
7. _____	8. _____

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☐ Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ of _____ (country)
Application No. _____ Filing Date _____ Application No. _____ Filing Date _____
(1) _____ (2) _____
(3) _____ (4) _____
(5) _____ (6) _____

a. ☐ _____ (No.) Certified copy/copies attached.

b. ☐ Certified copy/copies previously filed on _____ in _____
U.S. Application No. _____ / _____, filed on _____
series code \uparrow serial no. \uparrow

c. ☐ Certified copy/copies filed during International stage of PCT/ _____ / _____

4. (a) ☐ Domestic priority is claimed from PCT/ _____ / _____, filed _____

(b) ☐ Benefit is claimed of Provisional Application No. 60/____, filed ____.

5. ☒ Prior application is assigned to Cedars-Sinai Medical Center

by assignment recorded August 10, 2001 Reel 012084 Frame 0559
(Date)

6. ☒ Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)

(Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to Pillsbury Winthrop LLP

(Name and Reg. No.) Richard H. Zaitlen Reg. No. 27,248

whose current address is as in item 8 below.

a. ☒ Recognize as associate attorney Seth D. Levy, Reg. No. 44,869

(Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group of Pillsbury Winthrop LLP, 725 South Figueroa Street, Suite 2800, Los Angeles, CA 90017-5406.**

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No.	<u>09 /</u>	<u>837,797</u>	filed	<u>April 17, 2001</u>
No.	<u>09 /</u>	<u>546,119</u>	filed	<u>April 10, 2000</u>
No.	<u>09 /</u>	<u>420,046</u>	filed	<u>October 18, 1999</u>
No.	<u>09 /</u>	<u>359,583</u>	filed	<u>July 22, 1999</u>
No.	<u>08 /</u>	<u>832,307</u>	filed	<u>April 3, 1997</u>
No.	<u>08 /</u>	<u>442,843</u>	filed	<u>May 17, 1995</u>

No. PCT/ _____ / _____ filed _____, which designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English

9(a). ☐ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status** ☒ is **Not** claimed ☐ is claimed (pre-filing confirmation required):

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:

☐ filed in above prior application

☐ attached.

11. Petition to extend the life of the above prior application to at least the date hereof (one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).

(X'd) ☒ is not necessary for copendency (**Double check** before X'ing this box).

13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.

FILING FEE

->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-<-

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.

TOTAL FILING FEE = \$982

(carry forward to Item 31)

Our Order No. _____

081476

C#

0308988

M#

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

By Atty: Seth D. Levy

Req. No. 44.869

Sig:

Fax: (213) 629-1033
Tel: (213) 488-7131

20493006_1.DOC

PAT-108 9/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Henry C. LIN

Group Art Unit: 1645

Appln. No.: Unassigned

Examiner: R. P. Swartz

Filed: March 26, 2004

Atty Dkt: 81476-308988

C# M#

Title: **METHODS FOR MANIPULATING UPPER
GASTROINTESTINAL TRANSIT, BLOOD FLOW, AND
SATIETY, AND FOR TREATING VISCERAL HYPERALGESIA**

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Label No. EV 330955398 US Date of Deposit: March 26, 2004

Mail-Stop PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450


Dear Sir:

I hereby certify that the following documents:

- X Request for Filing Divisional Application
- X Patent application (76 pages of specification; 1 page abstract; 12 claims)
- X Check in the amount of \$942 to cover the filing fees
- X Assignment and cover sheet, plus check for \$40 for recordation fee
- X Copy of original Declaration (as filed in parent application)
- X Copy of Power of Attorney by Assignee and Revocation of Prior Powers
(as filed in parent application)
- X Request for Removal of Small Entity Status
- X 6 sheets of formal drawings
- X Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 CFR 1.10 on the date indicated above and are addressed to: Mail-Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 26, 2004


Sherry B. Kolber

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s): LIN ET AL.

Docket No.

18810-81652

Serial No.

09/837,797

Filing Date

April 17, 2001

Examiner

UNASSIGNED

Group Art Unit

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Invention:

**METHODS OF DIAGNOSING AND TREATING SMALL INTESTINAL BACTERIAL OVERGROWTH (SIBO)
AND SIBO-RELATED CONDITIONS**

I hereby certify that this Verified Statement Claiming Small Entity Status*(Identify type of correspondence)*

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The

Assistant Commissioner for Patents, Washington, D.C. 20231 on

August 6, 2001*(Date)*Ann Weiss*(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re DIVISIONAL patent application of:)
)
Henry C. LIN)
)
Serial No.: Unassigned)
)
Filed: March 26, 2004)
)
For: *METHODS FOR MANIPULATING UPPER*)
GASTROINTESTINAL TRANSIT, BLOOD)
FLOW, AND SATIETY, AND FOR TREATING)
VISCERAL HYPERALGESIA)


REQUEST FOR REMOVAL OF SMALL ENTITY STATUS

Dear Sir:

In accordance with 37 CFR 1.27(f), Applicant hereby requests the removal of small entity status in this matter. A claim of small entity status was made in the parent case (U.S. patent application serial No. 09/837,797, filed April 17, 2001; "Parent Application"), but this claim should not be carried over into the above-referenced divisional patent application being concurrently filed. Moreover, the claim of small entity status in the Parent Application is not intended to be affected by the present Request for Removal.

Respectfully submitted,
PILLSBURY WINTHROP LLP

Dated: March 26, 2004

By: 
Seth D. Levy
Registration No. 44,869
Attorney for Applicant(s)

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